

Notice of Allowability	Application No.	Applicant(s)	
	10/802,611	EREMIN, GUENNADIY	
	Examiner	Art Unit	
	Wendy C Haas	1661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed March 7, 2005.
2. ☒ The allowed claim(s) is/are the claim.
3. ☒ The drawings filed on 17 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/16/5</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Patricia Olosky on March 16, 2005.

The application has been amended as follows:

- A. In the abstract, line 3, the word – light – has been inserted before the word “pink”.
- B. Page 1, line 12, the word – light – has been inserted before the word “pink”.
- C. Page 1, line 31, the words – from plants produced – have been added after the word “collected”.
- D. Page 1, line 32, the words -- , and grown on their own roots, -- have been added after the word “cuttings”.
- E. Page 2, line 1, “70” has been amended to read – 70°F --.
- F. Page 2, line 17, the recitation “7-12 per cm” has been changed to – 7 to 12 per cm² --.
- G. Page 2, line 22, the recitation “2.0 – 2.5 cm” has been changed to -- 2.0 cm to 2.5 cm --.
- H. Page 2, line 23, the recitation -- , when observed – has been added after “1.0 mm”
- I. Page 2, line 26, the word “Bud” has been changed to the recitation – Leaf bud --.
- J. Page 2, line 27, the word “Bud” has been changed to the recitation – Leaf bud --.
- K. Page 2, line 28, the word “Bud” has been changed to the recitation – Leaf bud --.

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- L. Page 2, line 29, the word “Diameter” has been changed to the recitation – Branch diameter --.
- M. Page 3, lines 8 and 9 have been deleted and the following has been inserted in its place:
-- Both surfaces: About 137A to 138A (Upper surface, occasional reddish tinge toward margin.)--.
- N. Page 3, line 15, the recitation “1.5 – 2.0 mm” has been changed to – 1.5 mm to 2.0 mm -.
- O. Page 3, line 16, the recitation – About 178B to 179A – has been inserted after the word “Pink”.
- P. Page 3, lines 22 and 23, the recitation “at the same time as plum trees and ahead of peach trees” has been deleted.
- Q. Page 3, line 24, the recitation “35.0 – 38.0 mm” has been changed to – 35.0 mm to 38.0 mm --.
- R. Page 3, line 30, the words “Clam-shaped” have been changed to -- Broadly obovate --.
- S. Page 4, line 20, the words – observed to date – have been inserted after the word “None”.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy C. Haas whose telephone number is (571) 272-0976. The examiner can normally be reached on Monday through Friday 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

W. C. Haas

**KENT BELL
PRIMARY EXAMINER**

Kent A. Bell